

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
BRUNSWICK DIVISION

MARVIN B. SMITH, III AND

SHARON H. SMITH,

PLAINTIFFS,

VS.

HSBC BANK USA, NATIONAL ASSOCIATION;

WELLS FARGO BANK, NATIONAL ASSOCIATION;

S. ANDREW SHUPING, JR.;

SHUPING, MORSE & ROSS LLP;

RUBIN LUBLIN LLC and its AGENTS:

BRETT CHANESS, Agent of Rubin Lublin LLC,

PETER LUBLIN, Agent of Rubin Lublin LLC,

DEFENDANTS.

CV215-70

FILED  
U.S. DISTRICT COURT  
BRUNSWICK DIV.

2017 AUG 21 A 9:55

*Adler*

ADDITIONAL SUPPLEMENT TO  
PLAINTIFFS' SUPPLEMENTAL BRIEF IN RESPONSE TO THIS COURT'S ORDER

AND

SUPPLEMENTAL BRIEF IN SUPPORT OF PLAINTIFFS' REPLY IN OPPOSITION TO  
MOTION TO DISMISS PLAINTIFFS' AMENDED COMPLAINT

AND

MOTION TO AMEND PARTIES

COME NOW Marvin B. Smith, III and Sharon H. Smith, "Smiths", Plaintiffs *Pro Se*,

and submit the following in support of their August 18, 2017 Supplemental Brief in Response to This Court's Order, Dkt. #71; and in support of their Reply in Opposition to Motion to Dismiss, Dkt.#56. The Smiths also move this Court to amend the parties in the Amended Complaint in the event this Court decides not to remand the case.

Attached and incorporated herein, as Exhibit A, is the Smiths' Supplemental Brief in Support of Motion for Entry of Order on Violation of the Automatic Stay and Motion for Enforcement of the Automatic Stay filed in the U.S. Bankruptcy Court on August 21, 2017.

The Smiths request amendment of their Amended Complaint to include the parties: Jeremy Gregory and Christopher Anulewicz for actions taken with regard to the dispossession of the Smiths in violation of the automatic stay, representing themselves to be attorneys for HSBC Bank USA, N.A. It was learned during the dispossession that said attorneys are employed by Nationstar Mortgage, a fact which has not been disclosed to this Court. The actions taken during the dispossession are subject to the Georgia RICO Act. The parties have violated one or more of the Georgia RICO statutes listed below.

135. Georgia defines Mortgage Fraud as when a person "[k]nowingly makes a deliberate misstatement, misrepresentation, or omission during the mortgage lending process with the intention that [the false information] be relied on by a mortgage lender, borrower, or any other party to the mortgage lending process [including negotiation and servicing]."<sup>1</sup>

136. Further, a violation of the statute occurs when a person uses or facilitates the use of such false information with the intent that the false information be used by anyone during the mortgage lending process.<sup>2</sup>

137. Violation of the statute occurs when any written instrument that contains a deliberate misstatement, misrepresentation, or omission is recorded in the real estate records of any Georgia county.<sup>3</sup>

Furthermore, Attorneys and others who take part in the mortgage lending process are

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<sup>1</sup> O.C.G.A. § 16-8-102(1).

<sup>2</sup> O.C.G.A. § 16-8-102(2).

<sup>3</sup> O.C.G.A. § 16-8-102(5).

subject to separate prosecution for conspiracy,<sup>4</sup> should the party conspire with others to violate the statute.<sup>5</sup>

**WHEREFORE**, Plaintiffs pray unto this Honorable Court to allow the parties, Jeremy Gregory and Christopher Anulewicz, to be added as Defendants in their Amended Complaint.

Respectfully submitted this 21<sup>st</sup> day of August, 2017.

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Marvin B. Smith, III

  
Sharon H. Smith

*Plaintiffs Pro Se*

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<sup>4</sup> O.C.G.A. § 16-4-8 (2003).

<sup>5</sup> O.C.G.A. § 16-8-102(4).

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**CERTIFICATE OF SERVICE**

We hereby certify that we have this day served the following parties with the

**ADDITIONAL SUPPLEMENT TO  
PLAINTIFFS' SUPPLEMENTAL BRIEF IN RESPONSE TO THIS COURT'S ORDER**

**AND**

**SUPPLEMENTAL BRIEF IN SUPPORT OF PLAINTIFFS' REPLY IN OPPOSITION  
TO MOTION TO DISMISS PLAINTIFFS' AMENDED COMPLAINT**

**AND**

**MOTION TO AMEND PARTIES**

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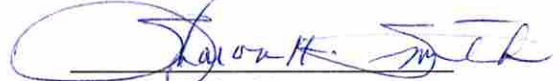
By placing the same in the United States Mail with all exhibits and with sufficient postage affixed thereon to assure delivery.

Respectfully submitted this 21<sup>st</sup> day of August, 2017.

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